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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,151	10/31/2003	Thomas R. Omstead	16590-003001	9092
26171	7590	02/21/2006	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			KAVANAUGH, JOHN T	
			ART UNIT	PAPER NUMBER
			3728	
DATE MAILED: 02/21/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**supplemental
Notice of Allowability**

Application No.

10/697,151

Examiner

Ted Kavanaugh

Applicant(s)

OMSTEAD ET AL.

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 312 amendment and IDS filed on Dec. 15, 2005.
2. ☒ The allowed claim(s) is/are 6-8, 11-14 and 18-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>12-15-2005</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Walters on 2-9-2006.


The application has been amended as follows:

Claims 9 and 10 have been cancelled.

Claims 6,12 and 18 have been amended as such (see the next 3 pages).

2. The following is an examiner's statement of reasons for allowance: Dowling does not disclose or suggest the shoe incorporating a speaker and audio/video control processor in combination with the other recited elements of claim 12. Also, Dowling does not disclose or suggest the specific features of a shoe incorporating mirror material located behind the first and second illumination devices (or behind the third and fourth illumination devices) in combination with the other recited elements of claims 6 and 18.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Ted Kavanaugh
Primary Examiner
Art Unit 3728

TK

February 9, 2006

6. (Currently Amended) Footwear incorporating an illumination system, said footwear comprising:

a sole including light transmitting material;

a first illumination device within the sole, the first illumination device being configured to provide light of a first color;

a second illumination device within the sole, the second illumination device being configured to provide light of a second color;

a heel including light transmitting material;

a third illumination device within the heel, the third illumination device being configured to provide light of a third color;

a fourth illumination device within the heel, the fourth illumination device being configured to provide light of a fourth color; and

a power source for providing power to said first, second, third, and fourth illumination devices,

wherein, the first color ~~may be~~is the same as the third color, the second color ~~may be~~is the same as the fourth color, and an outer surface of the sole is configured to blend light provided by said first and second illumination devices to provide light of a fifth color that is visible outside of the sole, and an outer surface of the heel is configured to blend light provided by said third and fourth illumination devices to provide light of a sixth color that is visible outside of the heel, and

wherein at least one of the sole or the heel includes mirror material located behind the first and second illumination devices or the third and fourth illumination devices, respectively, for reflecting the light provided by the first and second illumination devices through the sole or for reflecting the light provided by the third and fourth illumination devices through the heel, respectively.

12. (Currently Amended) Footwear incorporating an audio/visual system, said footwear comprising:

a sole including light transmitting material;

a first illumination device within the sole, the first illumination device being configured to provide light of a first color;

a second illumination device within the sole, the second illumination device being configured to provide light of a second color;

a speaker;

an audio/visual control processor configured to blend said light provided by said first and second illumination devices to provide light of a third color that is visible outside of the sole, and configured to generate an audio signal displayed by said speaker; and

a power source for providing power to said first and second illumination devices and said audio/visual control processor,

wherein said sole further includes mirror material located behind said first and second illumination devices for reflecting said light provided by said first and second illumination devices through said sole.

18. (Currently Amended) Footwear incorporating an interactive illumination system, said footwear comprising:

a sole including light transmitting material;

a first illumination device within the sole, the first illumination device being configured to provide light of a first color;

a second illumination device within the sole, the second illumination device being configured to provide light of a second color;

at least one sensor located in said sole for sensing information about a physical state of a wearer;

a sensor control unit for processing said information about the physical state of said wearer;

a control processor configured to blend said light provided by said first and second illumination devices to provide light of a third color that is visible outside of the sole in response to the physical state of said wearer;

a power source for providing power to said first and second illumination devices, said sensor control unit and said control processor;

a heel including light transmitting material;

a third illumination device within the heel, the third illumination device being configured to provide light of a fourth color;

a fourth illumination device within the heel, the fourth illumination device being configured to provide light of a fifth color; and

at least one sensor located in said heel for sensing information about the physical state of a wearer,

wherein said control processor is configured to blend light provided by said third and fourth illumination devices to provide light of a sixth color that is visible outside of the heel, and

wherein at least one of the sole or the heel includes mirror material located behind the first and second illumination devices or the third and fourth illumination devices, respectively, for reflecting the light provided by the first and second illumination devices through the sole or for reflecting the light provided by the third and fourth illumination devices through the heel, respectively.